

1 **WILLIAM A. LEONARD, JR.**
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3 TRUSTEE
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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In re) Case No. BK-S 06-13358 MKN
11 Traci Turner) IN PROCEEDINGS UNDER CHAPTER 7
12) MOTION TO DISMISS CASE UNDER 11 U.S.C.
13 Debtor(s)) SECTIONS 343, 521 AND 707(A)(1); POINTS &
14) AUTHORITIES IN SUPPORT THEREOF
15) Date: September 24, 2008
Time: 11:00 a.m.
Place: Foley Bldg., Third Floor

16 **MOTION TO DISMISS CASE UNDER 11 U.S.C. SECTIONS 343 AND 521**

17 William A. Leonard, the duly appointed Chapter 7 Trustee in the above referenced
18 proceeding, hereby moves this court for an order dismissing the above-entitled case under 11 U.S.C.
19 Sections 343, 521 and 707(a)(1).

20 This Motion is made and based upon the Debtor's causing unreasonable delay in the case
21 prejudicial to creditors by failing to appear for the required hearing under 11 U.S.C. Section 341(a).
22 This motion is based upon this pleading, on the documents on file herein and on such other and
23 further oral and/or documentary evidence as may be presented at the time of the hearing hereon, as
24 well as the accompanying Memorandum of Points and Authorities.
25

26 Dated: August 28, 2008

/s/ William A. Leonard, Jr.
WILLIAM A. LEONARD, JR
Trustee

POINTS AND AUTHORITIES

FACTUAL BACKGROUND

1. This case was commenced by the filing of a Chapter 7 petition on 11/13/06.
2. WILLIAM A. LEONARD is the duly appointed Trustee in this case.
3. Debtor is representing herself.
4. The Meeting of Creditors was scheduled for 08/11/08.
5. The Debtor failed to attend the scheduled meeting of creditors.
6. The Trustee continued the meeting until 08/27/08.
7. On or about 08/13/08 the Trustee mailed a letter informing the debtor of the continued 341 hearing date.
8. The Debtor failed to appear at the continued meeting.
9. The Bankruptcy Code requires that the Debtor cooperate fully with the Trustee in the administration of the estate (11 U.S.C. Section 521(3)).
10. The Trustee has received no funds or other assets to administer in this estate.

POINTS AND AUTHORITIES

11 U.S.C. Section 343 provides in part that "the debtor shall appear and submit to examination under oath at the meeting of creditors under section 341(a) of this title.

11 U.S.C. Section 521(3) provides that the debtor shall "if a trustee is serving in the case, cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title."

11 U.S.C. Section 707(a)(1) provides that the Court may dismiss a case after notice and hearing for "unreasonable delay that is prejudicial to creditors"

LEGAL ARGUMENTS

Pursuant to 11 U.S.C. Sections 343 , 521 and 707(a)(1), the debtor's failure to appear at the meeting of creditors is cause for this Court to dismiss this case, and grant such other and further relief as the Court may deem appropriate in the circumstances.

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CONCLUSION

Movant respectfully requests this Court enter an Order dismissing the above-entitled case.

Dated: August 28, 2008

WILLIAM A. LEONARD, JR
Trustee